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File No. Inland Steam Vessels II/47

Legal **DEPARTMENT**

B **BRANCH**

Subject:— Rules and Notifications under the Inland Steam Vessels Act, 1917

File No. Inland Steam Vessels II/47

Std. Sectt. Slip 24 B e.

133-B

C-O/E File.

Legal Department File No. In land Steam Vessels/47.

Cr. No.	Compilation No.	Subject.	Pages.
		Rules & Notification under the In land steam Vessels Act, 1917.	
1)	5(1) 16/1/47.	Whether under Sec. 52 or sec. 67 a rule can be framed prohibiting the use of petrol in passenger carrying vessels.	1——3
2)	P&T. G. D. No. 0355/34 26/6/47.	Sec. 67 (1) —— Notifn. under	5 5-1/2 typed
3)	P&T.G.D. No. 0355/34 25/6/47.	Sec. 52. Notifn. under	7.
4)	P&T. G. D. No. 0355/34 26/6/47.	Sec. (6) (1) — Notifn. under	8.
5)	P&T. D. No. 0355/34 26/6/47.	Sec 52 Notifn. under	11.

Railway Regulation.
8/5/56.

8/5.

IWS

I am afraid I do not agree that there is no provision in the Inland Steam-vessels Act, 1917, to prohibit the carrying of petrol by passenger craft.

2. Please see Dr. Sorley's notes at pages 49 and 52 ante. I agree with Dr. Sorley (a on page 52) that no direct prohibition can be framed under section 52 of the Act. I also agree that no such rule can be framed under section 53 which gives power to regulate the carriage of passengers in inland steam-vessels.

3. However, section 67 which occurs in Chapter VIII which is a supplementary Chapter to the preceding Chapters of the Act, gives power to the Provincial Govt. to make rules to carry out the purposes of that Act, not otherwise specially provided for. One of the purposes of the Act under Chapter VI is the carriage of passenger in inland steam-vessels. If therefore, for whatever reason the Provincial Govt. comes to the conclusion that passenger craft should not be run on petrol, it is perfectly competent to them to make a rule to carry out this purpose and provide that passenger craft shall be prohibted from using petrol as fuel. In other words, the craft using petrol as fuel can be restricted to purposes other than that of carrying passengers. I should think that the words "not otherwise specially provided for" in sub-section (1) of section 67 make it quite clear that Govt. can use this section to make any rule such as is now proposed tobe made and which is not otherwise provided for elsewhere if it is intended to carry

out any of the purposes of the Act. I should think therefore that the proposed rule would be <u>intra vires</u> section 67 (1).]

sd/-
5/1

R.L.A.] I agree entirely.]

sd/-
11/1

R.I. 8517.]
2/10/46.

Madhav Raokadam.]
9/5/56.]

c/4.]

Office of the R.L.A.

I agree with Dr. Sorley (A on page 52) that no direct prohibition can be framed under section 52 of the Inland steam-vessels Act, 1917. I also agree that no such rule can be framed under section 53 of the Act which gives power to regulate the carriage of passengers in inland steam-vessels.

2. However, section 67 which occurs in Chapter VIII, which is a supplementary chapter to the preceding chapters of the Act, gives power to the Provincial Government to make rules to carry out the purposes of that Act, not otherwise specially provided for, one of the purposes of the Act under chapter VI is the carriage of passengers in inland steam-vessels. If , therefore, for whatever reasons the Provincial Government comes to the conclusion that passenger craft should not be run on petrol, it is perfectly competent to them tomake a rule to carry out this purpose, and provide that passenger craft shall be prohibited from using petrol as fuel. In other words, the craft using petrol as fuel can be restricted to purposes other than that of carrying passengers. I should think that the words "not otherwise specially provided for" in sub-section (1) of section 67 make it quite clear that Government can use this section to make any rule such as is now proposed to be made and which is not otherwise provided for elsewhere, if it isintended to carry out any of the purposes of the Act. I should think therefore that the proposed rule would be intra vires section 67(1).

sd/- D.V.V.

Remembrancer of Legal Affairs.

M. Raokedan. U. R. to P. & S.D. No. 518, dated the 16th January, 1947.
10/5. c/4.